

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

NATIONAL CHICKEN COUNCIL, *et al.*,

Plaintiffs,

VS.

BROOKE ROLLINS, in her official capacity
as SECRETARY OF AGRICULTURE, *et al.*,

Defendants,

and

RANCHERS CATTLEMEN ACTION
LEGAL FUND UNITED STOCKGROWERS
OF AMERICA, WESTERN
ORGANIZATION OF RESOURCE
COUNCILS, ALABAMA CONTRACT
POULTRY GROWERS ASSOCIATION,
AND LATINO FARMERS AND
RANCHERS INTERNATIONAL,

Proposed Defendant-Intervenors

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No. 4:24-cv-03786

Judge Andrew Hanen

[PROPOSED] ANSWER

TO THE HONORABLE UNITED STATES DISTRICT JUDGE HANEN:

Comes now Intervenors Ranchers Cattlemen Action Legal Fund United Stockgrowers Association, Western Organization of Resource Councils, Alabama Contract Poultry Growers

Association, and Latino Farmers and Ranchers International (collectively, “Farmer and Rancher Organizations”) and file their answer and affirmative defenses to the Complaint filed by the National Chicken Council, Meat Institute, Southwest Meat Association, and Texas Broiler Council. In response to the Complaint, all allegations in the Complaint, including relief sought, are denied except when specifically admitted. Defendant-Intervenors admit, deny, or otherwise aver as follows:

PRELIMINARY STATEMENT

1. Farmer and Rancher Organizations admit the allegations of paragraph 1.
2. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 2; therefore, they are denied. Farmer and Rancher Organizations deny that the Inclusive Competition and Market Integrity Under the Packers and Stockyards Act (“Final Rule”) is unlawful.
3. Farmer and Rancher Organizations lack sufficient knowledge or information to admit or deny the allegations in paragraph 3; therefore, they are denied.
4. Farmer and Rancher Organizations deny that AMS acted unlawfully or exceeded its authority.
5. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 5; therefore, they are denied. Farmer and Rancher Organizations deny paragraph 5’s characterization of the Final Rule.
6. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 6; therefore, they are denied. Farmer and Rancher Organizations deny paragraph 6’s allegation that the evidence relied upon in the rulemaking process is insufficient in any way.

7. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 7; therefore, they are denied.

PARTIES

8. Farmer and Rancher Organizations lack sufficient knowledge or information to admit or deny the allegations in paragraph 8; therefore, they are denied.

9. Farmer and Rancher Organizations lack sufficient knowledge or information to admit or deny the allegations in paragraph 9; therefore, they are denied.

10. Farmer and Rancher Organizations lack sufficient knowledge or information to admit or deny the allegations in paragraph 10; therefore, they are denied.

11. Farmer and Rancher Organizations lack sufficient knowledge or information to admit or deny the allegations in paragraph 3; therefore, they are denied.

12. Farmer and Rancher Organizations lack sufficient knowledge or information to admit or deny the allegations in paragraph 12; therefore, they are denied.

13. Farmer and Rancher Organizations lack sufficient knowledge or information to admit or deny the allegations in paragraph 13; therefore, they are denied.

JURISDICTION AND VENUE

14. Farmer and Rancher Organizations deny that this Court has jurisdiction.

15. Farmer and Rancher Organizations deny that venue appropriately lies in this District and Division.

FACTUAL BACKGROUND

A. Statutory Background

16. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 7; therefore, they are denied.

17. Farmer and Rancher Organizations admit only the contents of the cited statute, which speaks for itself, and otherwise deny the allegations in paragraph 17.

18. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 18; therefore, they are denied.

19. Farmer and Rancher Organizations admit only that Congress passed the 2008 Farm Bill, and otherwise deny the allegations in paragraph 19.

20. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 20; therefore, they are denied. Farmer and Rancher Organizations admit that the cited bill was introduced, and otherwise deny the allegations in paragraph 20.

21. Farmer and Rancher Organizations admit only the contents of the cited pages of the Federal Register, and otherwise deny the allegations in paragraph 21.

22. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 22; therefore, they are denied.

23. Farmer and Rancher Organizations lack sufficient knowledge or information to admit or deny the allegations in paragraph 23; therefore, they are denied.

B. The Proposed and Final Rules

24. Farmer and Rancher Organizations admit the allegations in paragraph 24.

25. Farmer and Rancher Organizations admit only the contents of the cited section of the Federal Register, and otherwise deny the allegations in paragraph 25.

26. Farmer and Rancher Organizations admit only the contents of the cited section of the Federal Register, and otherwise deny the allegations in paragraph 26.

27. Farmer and Rancher Organizations admit only the contents of the cited section of the Federal Register, and otherwise deny the allegations in paragraph 27.

28. Farmer and Rancher Organizations admit only the contents of the cited section of the Federal Register, and otherwise deny the allegations in paragraph 28.

29. Farmer and Rancher Organizations admit only the contents of the cited section of the Federal Register, and otherwise deny the allegations including paragraph 29's characterization of what the Proposed Rule did or did not include.

30. Denied. Paragraph 30 mischaracterizes the Proposed Rule.

31. Farmer and Rancher Organizations admit that AMS received public comments on the Proposed Rule, including from two of the Plaintiff organizations. Farmer and Rancher Organizations deny any allegation in paragraph 31 as to accuracy, legal merit, or appropriate weight of those comments.

32. Farmer and Rancher Organizations admit only the contents of the cited section of the Federal Register and that AMS issued the Final Rule, and otherwise deny the allegations in paragraph 32.

33. Farmer and Rancher Organizations admit only the contents of the cited section of the Federal Register, and otherwise deny the allegations in paragraph 33 including any allegations regarding what showings the Final Rule does or does not require.

34. Farmer and Rancher Organizations admit only the contents of the cited section of the Federal Register, and otherwise deny the allegations and mischaracterization of the Final Rule in paragraph 34.

35. Farmer and Rancher Organizations admit only the contents of the cited section of the Federal Register, and otherwise deny the allegations in paragraph 35.

36. Farmer and Rancher Organizations deny paragraph 36's mischaracterization of the Final Rule as well as allegations about what "AMS relied principally on." Farmer and

Rancher Organizations also deny that the allegations in paragraph 36 are supported by the Administrative Record.

37. Farmer and Rancher Organizations admit only the contents of the cited section of the Federal Register in paragraph 37.

C. The Final Rule is Unlawful.

38. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 38; therefore, they are denied.

39. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 39; therefore, they are denied.

40. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 40; therefore, they are denied.

41. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 41; therefore, they are denied.

42. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 42; therefore, they are denied.

43. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 43; therefore, they are denied.

44. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 44; therefore, they are denied.

45. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 45; therefore, they are denied.

46. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 46; therefore, they are denied.

47. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 47; therefore, they are denied.

48. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 48; therefore, they are denied.

49. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 49; therefore, they are denied.

50. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 50 or lack sufficient knowledge to affirm or deny; therefore, the allegations in paragraph 50 are denied.

51. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 51; therefore, they are denied.

52. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 52; therefore, they are denied.

53. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 53; therefore, they are denied.

D. The Final Rule Causes Concrete and Imminent Harm to Plaintiffs and Their Members, As Well As U.S. Consumers.

54. Farmer and Rancher Organizations lack sufficient knowledge or information to admit or deny the allegations in paragraph 54; therefore, they are denied.

55. Farmer and Rancher Organizations lack sufficient knowledge or information to admit or deny the allegations in paragraph 61 and/or the allegations are unsupported by the Administrative Record; therefore, they are denied.

56. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 53; therefore, they are denied.

57. Denied. Paragraph 57 inaccurately characterizes the Final Rule.

58. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 58 and/or the allegations are unsupported by the Administrative Record; therefore, they are denied.

59. Farmer and Rancher Organizations are not required to answer the propositions of law alleged in paragraph 59; therefore, they are denied.

60. Denied.

61. Denied.

62. Farmer and Rancher Organizations lack sufficient knowledge or information to admit or deny the allegations in paragraph 62; therefore, they are denied.

63. Farmer and Rancher Organizations lack sufficient knowledge or information to admit or deny the allegations in paragraph 63; therefore, they are denied.

64. Farmer and Rancher Organizations lack sufficient knowledge or information to admit or deny the allegations in paragraph 64; therefore, they are denied.

65. Farmer and Rancher Organizations lack sufficient knowledge or information to admit or deny the allegations in paragraph 65; therefore, they are denied.

66. Farmer and Rancher Organizations lack sufficient knowledge or information to admit or deny the allegations in paragraph 66; therefore, they are denied.

67. Farmer and Rancher Organizations lack sufficient knowledge or information to admit or deny the allegations in paragraph 67; therefore, they are denied.

COUNT I
(Administrative Procedure Act, 5 U.S.C. § 700, *et seq.*)

68. Farmer and Rancher Organizations incorporate by reference their responses to each of the proceeding paragraphs.

69. Denied.

70. Denied.

71. Denied.

72. Denied.

73. Denied.

74. Denied.

75. Denied.

76. Denied.

PRAYER FOR RELIEF

The allegations in these paragraphs consist of Plaintiffs' request for relief, to which no response is required, but insofar as an answer is deemed required, Farmer and Rancher Organizations deny that Plaintiffs are entitled to the requested relief or to any relief whatsoever.

AFFIRMATIVE DEFENSES

1. This Court lacks jurisdiction to hear Plaintiffs' claim.
2. Plaintiffs have not filed this case in a proper venue.
3. Plaintiffs lack standing.
4. Plaintiffs' claim is barred by an applicable statute of limitation.
5. Plaintiffs have failed to state a claim for which relief can be granted.
6. Plaintiffs' claim fails because it is unripe.
7. The affirmative defenses asserted above are not exhaustive. Farmer and Rancher Organizations hereby expressly reserve the right to amend this Answer to bring additional defenses over the course of this litigation.

WHEREFORE, having answered, Farmer and Rancher Organizations request judgment or relief against Plaintiffs as follows:

1. That Plaintiffs' claims be dismissed with prejudice;
2. That Farmer and Rancher Organizations be awarded their costs and disbursements incurred in defending this matter; and
3. Such other and further relief as the Court deems just and proper.

Dated: April 1, 2025

Respectfully submitted,

/s/ Tyler Lobdell

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CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2025, I electronically filed the foregoing document entitled [Proposed] Answer. Copies will be served upon counsel of record, and may be obtained through, the Court's CM/ECF system.

/s/ Tyler Lobdell